

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**CHARLES H. SIMMONS  
ADC #135731**

**PLAINTIFF**

**v.**

**No. 5:14-cv-136-DPM-JJV**

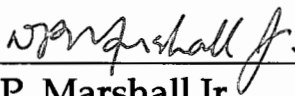
**ALLEN CHEEK, Sheriff, Arkansas County  
Detention Center; ROBBIE FRED, Jail Administrator,  
Arkansas County Detention Center; and  
TERESA LINDSEY**

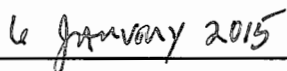
**DEFENDANTS**

**ORDER**

Unopposed recommendation, *No. 47*, adopted as modified. FED. R. CIV. P. 72(b) (1983 Comments to Advisory Committee Notes). Lindsey's motion to dismiss, *No. 42*, granted as modified. Simmons's official-capacity claim against Lindsey is dismissed with prejudice and his personal-capacity claim against her is dismissed without prejudice. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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6 January 2015